

URGENT ACTION

THREE MDCF ACTIVISTS JAILED, FOURTH ON TRIAL

Three activists from the Movement for Democracy Current Force (MDCF) have been imprisoned and a fourth is on trial, as a result of their peaceful political activities. They are prisoners of conscience.

Within the last three months, **Ko Htin Kyaw**, leader of the community-based organization Movement for Democracy Current Force, has been sentenced to a total of eight years' imprisonment under two laws frequently used by the Myanmar authorities to stifle dissent. Between 23 June and 19 August 2014, Ko Htin Kyaw was convicted by eight different township courts in Yangon on eight different counts of violating Section 505(b) of Myanmar's Penal Code, which provides imprisonment for anyone making, publishing or circulating information which may cause public fear or alarm, and which may incite people to commit offences "against the State or against the public tranquility". He was also convicted on two separate counts of protesting without permission, under Article 18 of the Peaceful Assembly and Peaceful Procession Law. The charges related to his delivering a speech and distributing leaflets calling on the government to resign between April and May 2014, and for leading peaceful protests against land confiscation earlier in the year.

Two other MDCF activists, **Ko Tin Maung Kyi** and **Ko Zaw Win**, were each sentenced one and a half years' imprisonment on three different counts of violating Section 505(b) of the Penal Code, for distributing leaflets in May 2014 calling on the Myanmar government to resign. A fourth MDCF activist, **Naung Naung**, had been arrested on 7 July in connection with an article in the newspaper *Bi-Midday Sun* which reported MDCF claims that opposition leader Aung San Suu Kyi and ethnic leaders had been elected as an interim government. However, his case was later transferred to Kyaultada Township Court, where he has been charged under Section 505(b) of the Penal Code and named as Ko Htin Kyaw's co-defendant in one of the three further cases Ko Htin Kyaw is facing.

The four men are all members of the MDCF, and Amnesty International is concerned that they are being targeted in an attempt to silence the organization. All four men are now detained in Insein prison, Yangon.

Please write immediately in English or your own language:

- Calling on the Myanmar authorities to release Ko Htin Kyaw, Ko Tin Maung Kyi, Ko Zaw Win and Naung Naung immediately and unconditionally, and all other prisoners of conscience in Myanmar, and drop charges against all those arrested for the peaceful exercise of their human rights;
- Urging them to ensure that the four men are not tortured or otherwise ill-treated, or transferred to remote prisons, but that they have regular access to their families and lawyers of their choosing, and are provided with any medical treatment they may require;
- Calling on them to repeal or else amend all laws which restrict the rights to freedom of expression and peaceful assembly, to comply with international human rights law and standards.

PLEASE SEND APPEALS BEFORE 9 OCTOBER 2014 TO:

President
Thein Sein
President's Office
Nay Pyi Taw
Republic of the Union of Myanmar
Salutation: Your Excellency

Minister of Home Affairs
Lt Gen. Ko Ko
Ministry of Home Affairs
Office No. 10
Nay Pyi Taw
Republic of the Union of Myanmar
Salutation: Dear Minister
And copies to:

Chairman, Myanmar National Human Rights Commission
U Win Mra
27 Pyay Road, Hline Township
Yangon
Republic of the Union of Myanmar

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the second update of UA 117/14. Further information: <http://amnesty.org/en/library/info/ASA16/009/2014/en>

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ADDITIONAL INFORMATION

Ko Htin Kyaw has been sentenced under Section 505(b) of the Penal Code by eight different township courts in Yangon: South Okkalapa, Eastern Dagon Myothit, Northern Dagon Myothit, Southern Dagon Myothit, Thingangyun, Mayangone, Hlaingthaya and Dagon Seikkan. He has been sentenced under Article 18 of the Peaceful Assembly and Peaceful Procession Law by the Kyauktada and Bahan Township courts in Yangon. He is still on trial facing charges under Section 505(b) in three Yangon township courts: North Okkalapa, Shwepyitha and Kyaultada.

The Movement for Democracy Current Force (MDCF) is a community-based organization which campaigns against human rights violations and promotes development in Myanmar. Its leader, Ko Htin Kyaw, has been arrested and imprisoned for his peaceful activism many times. Between 21 October and 29 November 2013, five different courts sentenced him to at least 33 months' imprisonment on multiple charges under Article 18 of the Peaceful Assembly and Peaceful Procession Law. He was released on 11 December 2013 under a presidential amnesty, but was arrested and detained the same day, again facing charges under the Peaceful Assembly and Peaceful Procession Law. He was released a few weeks later on 31 December, as part of a presidential pardon.

Amnesty International is also concerned about the arrest and detention of the *Bi-Midday Sun* media workers, who were detained after the *Bi-Midday Sun* publishing an article asserting MDCF claim. See UA 213/14 for details: <http://www.amnesty.org/en/library/info/ASA16/016/2014/en>

Human rights defenders and activists in Myanmar are being arrested and detained solely for the peaceful exercise of their rights to freedom of expression and peaceful assembly, rights enshrined in Articles 19 and 20 of the Universal Declaration of Human Rights (UDHR). A range of laws in Myanmar are used to criminalize peaceful expression and assembly, including Section 505(b) of the country's Penal Code and Article 18 of the Peaceful Assembly and Peaceful Procession Law. The restrictions on the right to freedom of expression imposed by these two laws are phrased in an excessively broad and vague manner, potentially resulting in both an overreach, and a discriminatory application, of the law. The former UN Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, has also identified these two laws as among a number of legal provisions in the country used to detain prisoners of conscience. He has repeatedly called on the Myanmar authorities to amend the Penal Code and the Peaceful Assembly and Peaceful Procession Law to bring them into line with international human rights law and standards.

The right to a fair trial is enshrined in Article 10 of the UDHR, which states: "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal". However, Amnesty International regularly receives reports of trials in Myanmar that fall far short of international standards of fairness. The organization also receives reports about poor prison conditions in the country which do not comply with those set out in the UN Standard Minimum Rules for the Treatment of Prisoners. These concerns include a lack of access to adequate medical treatment, clean drinking water, nutritious food and water for bathing.

Names: Ko Htin Kyaw, Ko Tin Maung Kyi, Ko Zaw Win, Naung Naung
Gender: m

Further information on UA: 117/14 Index: ASA 16/017/2014 Issue Date: 28 August 2014